IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 85 OF 2005

Hiren Venilal Sevak.] .. Petitioner

Versus

The Brihanmumbai Municipal Corpn. & Anr] .. Respondents

Mr. Anil Mishra i/b Mr. R.C. Kaushik for the petitioner.

Mrs. P.A. Purandare i/b S.H. Ujjainwala & Ors. for the respondent No.1.

Mr. R.S. Yadav for the respondent No.2.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 22ND FEBRUARY, 2006

P.C. :

. Heard Mr. Anil Mishra, the learned counsel for the petitioner and Mrs. Purandare, the learned counsel for Bombay Municipal Corporation.

2. The controversy in the Writ Petition concerns unauthorised construction on plot bearing C.T.S. No.851A and 851 (1-18) at Dahisar West.

3. In the Reply Affidavit filed on behalf of the Corporation, it is stated that second to fifth floors in

"A" Wing have been regularised in lieu of TDR. As regards demolition of the WC and toilet on the ground floor of the building near the staircase of "A" Wing and its conversion into shop, the Corporation has stated that the amended plan has been submitted and the same is under consideration.

3. The other unauthorised construction is said to have been removed by the developers themselves.

4. In the light of the Reply Affidavit filed on behalf of the Corporation, we are satisfied that nothing further is required to be done in this Writ Petition. However, we direct that the amended Plan submitted by respondent No.2 for regularisation of the shop that has been built after demolition of WC and toilet shall be examined by the Corporation in accordance with the existing Rules.

5. Writ Petition is disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]